

### REMARKS

This Election and Amendment responds to the restriction requirement dated 2/16/05. Claims 31, 32 and 34-58 are pending after entry of the amendment; claims 1-30 and 33 have been canceled without prejudice.

The Examiner required restriction to one of two inventions: (I) weight loss devices; and (II) methods of causing weight loss. Applicant hereby elects invention II.

The Examiner also indicated that, if invention I were elected, Applicant should elect a single species selecting an embodiment combining the device of one of Figures 1-5 with the opening of one of Figures 6, 7 or a fixed opening. Although Applicant has elected invention II, due to the newly added method claims, Applicant is further electing the species of Figures 5 and 6. Claims 31, 32, 34-52 and 54-58 read on this specie. Of these, claims 55 and 58 are generic to all species.

### CONCLUSION

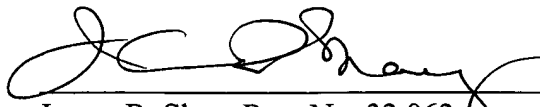
Applicants submit that the instant application is in condition for allowance. Should the Examiner have any questions, the Examiner is requested to contact the undersigned attorney.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 32344-701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

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James R. Shay, Reg. No. 32,062

650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300  
Customer No. 021971